

## MINUTES ADOPTED BY CITY COUNCIL

Greenville, NC  
April 11, 2005

The Greenville City Council met in a regular meeting on the above date at 6:00 PM in the City Council Chambers, third floor of the Municipal Building, with Mayor Robert D. Parrott presiding. The meeting was called to order, followed by the invocation by Mayor Pro-Tem Miller and the pledge of allegiance to the flag. The following were present.

Mayor Robert D. Parrott  
Mayor Pro-Tem Ric Miller  
Council Member Mildred A. Council  
Council Member Ray Craft  
Council Member Pat Dunn  
Council Member Rose H. Glover  
Council Member Chip Little  
Wayne Bowers, City Manager  
Wanda T. Elks, City Clerk  
David A. Holec, City Attorney

### APPROVAL OF AGENDA

Motion was made by Council Member Little and seconded by Council Member Craft to approve the agenda as presented. Motion carried unanimously.

### CONSENT AGENDA - APPROVED

Motion was made by Council Member Craft and seconded by Council Member Council to approve all the items under the consent agenda as listed below. Motion carried unanimously.

- (1) Minutes of the March 7 and March 10, 2005 City Council meetings
- (2) Consideration of Various Tax Refunds

<u>Name</u>	<u>Reason</u>	<u>Amount</u>
Della Perry Dayson	Prorate taxes on vehicle	\$139.53
Robert Anthony Dietrich	Prorate taxes on vehicle	\$146.01
Cynthia Y. Thigpen	Mobile home double charged	\$103.78
Joel Jeffrey Helle	Vehicle charged in city limits in error	\$147.68
David Marshall Hill	Prorate taxes on vehicle	\$317.02
Tina Collie Johnson	Vehicle charged in city limits in error	\$125.85
Barbara Tucker Streeter	Prorate taxes on vehicle	\$154.26
- (3) Ordinance installing new stop signs at various locations. (Ordinance No. 05-24)
- (4) Resolution accepting dedication of public rights-of-way and easements (Resolution No. 05-19)

- (5) Resolution approving a supplemental municipal agreement with the North Carolina Department of Transportation for the Railroad Infrastructure Feasibility Study (Resolution No. 05-20; Contract No. 1394)
- (6) Resolution abandoning a Greenville Utilities water line easement for Williamsbrook East Subdivision, Section 2 (Resolution No. 05-21; Contract No. 1395)

#### UPDATE ON INTERNATIONAL FESTIVAL

Deputy City Manager Bill Richardson informed the Council that the 14th Annual International Festival would be held Saturday, April 16, from 11:00 until 4:00. This is the second year that this event has been co-sponsored by East Carolina University.

Mr. Bill Mallett, International Affairs Advisory at East Carolina University informed the Council that this year's festival would have 27 exhibitors, children's activities, food, native dances, etc. He introduced two international students from East Carolina, who expressed appreciation to the Council for providing the opportunity for the International Festival to be held—Alex Wang, representing the Chinese students, and Charles Mandizha of Zimbabwe.

#### BOARDS AND COMMISSIONS PRESENTATIONS

##### Police Community Relations Committee

Ms. Regina Wallace, Chairman of the Police Community Relations Committee, explained the purpose and membership of the Committee and stated that there are ten meetings a year. During the last year, the Committee received reports from the Police Department on issues such as the Drug Task Force and identity fraud. Most members of the Committee are graduates of the Police Academy, which is sponsored by the Police Department. The past year has been very successful. She thanked the staff and Council Member Glover, Council liaison, for their contributions to the Committee.

#### REQUEST FROM PITT-GREENVILLE AIRPORT FOR SUPPORT OF A SMALL COMMUNITY AIR SERVICE DEVELOPMENT GRANT - APPROVED

Mr. Jim Turcotte, Executive Director of the Pitt-Greenville Airport, stated that the passenger load for the past twelve months has been 42 percent ahead of last year. Thus far, April 2005 is 20 percent ahead of April 2004. Mr. Turcotte stated that a grant for enhancement of air service is available through the United States Department of Transportation. The \$20 million available is awarded to 40 communities, with there being no more than two per state. The Airport Authority has requested that local matching funds be contributed by other local sources, as a showing of local support for the \$500,000 grant greatly enhances the Airport's ability to be successful. Thus, he asked for a \$33,333 match to supplement grant awards by the Pitt County Committee of 100 and Pitt County Development Commission. The funds will only be needed if the Small Community Air Service Development Grant is awarded. It may be September before it is known whether the Pitt Greenville Airport receives the grant.

City Manager Bowers indicated that the current budget has a contingency of \$100,000, and the funds could be reserved in the contingency for future use should the Pitt-Greenville Airport receive the grant.

Motion was made by Council Member Little and seconded by Council Member Dunn to approve funding to the Pitt-Greenville Airport in the amount of \$33,333 to be used as matching funds for the Small Community Air Service Development Grant application. Motion carried unanimously.

#### CONSIDERATION OF RED LIGHT PHOTO ENFORCEMENT PROGRAM

City Attorney Holec reminded the Council that when it approved the agreement with Redflex Traffic Systems, Inc. for the City's Redlight Photo Enforcement Program, it was approved with the basic premise that it would be a public safety program funded 100 percent by the violators and 0 percent by the taxpayers. The basic premise has been jeopardized as a result of the decision by a Superior Court Judge in Guilford County relating to the City of High Point's Redlight Photo Enforcement Program that 90% of the monies received from the citations issued by the City of High Point's program are required to be paid to the County school system. This decision is only binding upon the City of High Point; however, since it is being appealed to the North Carolina Court of Appeals, the decision on the appeal will be applicable throughout the State and, with a three-year statute of limitations, will have a retroactive impact on existing programs. The decision may be overturned on appeal, but there is no guarantee that this will occur. The appeal process may take 1.5 to 2 years to complete. This has created a financial risk for the City and its implementation of the program. If the High Point decision is upheld, for every \$50 citation, \$45 is to be paid to the school system, leaving only \$5 to pay for the program. The contract with Redflex provides that Redflex is to receive \$47 for each citation for the first 210 citations per month for each intersection. Therefore, for each \$50 citation, the City would have to pay a total of \$92, \$45 to the school system and \$47 to Redflex, creating a substantial financial risk to the City. Redflex has been cooperative with the City in reacting to the potential impact of the High Point decision. Although citations were scheduled to initially be issued for the two intersection approaches which have been installed with the equipment in January 2005, Redflex has agreed to not commence issuing citations until the City determines the manner it wants to proceed.

City Attorney Holec offered two options for Council to consider in order to eliminate the financial risk associated with the Redlight Photo Enforcement Program which has been raised by the High Point decision. These options are to terminate the agreement with Redflex at this time by exercising the termination for convenience clause or to approve an amendment to the agreement with Redflex, which will suspend the program until the final appellate determination in the High Point case. If the City terminates the agreement at this time, it is required to pay Redflex \$36,000. If the City agrees to suspend the program and later determines to terminate the agreement, the City will be required to pay Redflex \$36,000 at the time of termination.

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to approve the amendment to the agreement with Redflex, which will suspend the Redlight Photo Enforcement Program until the final appellate determination in the High Point case. (Contract No. 1306B)

## REVIEW OF APRIL 14, 2005 CITY COUNCIL AGENDA

The Council did a cursory review of the items on the April 14, 2005 City Council Meeting agenda and reviewed the appointments to Boards and Commissions.

During the discussion on the boards and commission appointments, motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to continue the appointments to the Citizens Advisory Commission on Cable TV until October and to direct staff to provide a report on the options related to the Commission at the September meeting. Motion carried unanimously.

## COMMENTS FROM MAYOR AND CITY COUNCIL

Council Member Craft commended the Police Department for their sponsorship of the golf tournament for Special Olympics. It was noted that last year, the golf tournament raised \$2,500 and this year it raised \$12,000 for Special Olympics.

Council Member Glover also commended the Police Department for the successful golf tournament. She announced that the Police Community Relations Committee will meet Wednesday at the Police-Fire/Rescue Building.

Mayor Pro-Tem Miller welcomed the students present at the meeting.

Council Member Council commended the City for a successful Health Fair. She also thanked Cassandra Daniels for helping provide a Youth Forum on March 24 for the Ladies of Distinction and the Choices Program. There were two judges present to speak to the youth at the Forum.

Council Member Dunn also thanked Cassandra Daniels. She thanked Nancy Harrington of Public Works for her work in ensuring that people with disabilities receive accessible transit. Council Member Dunn thanked the international students for coming to the meeting tonight.

Mayor Parrott stated that he is going to declare Friday, April 15, as Be Nice To Your CPA Day.

## CITY MANAGER'S REPORT

### Reminder of Citywide Spring Clean-Up on April 23-30, 2005

City Manager Bowers reminded the Council of the Citywide Spring Clean-Up to be held April 23-30. He encouraged citizens and/or groups that have not done so to contact Neighborhood Services to sign up for a particular location.

### Reminder of International Festival

City Manager Bowers reminded the Council that the International Festival would be held Saturday, April 16, from 11-4. The GREAT bus system will be offering free rides to take people to the Festival.

Joint City Council/Greenville Utilities Commission Meeting

City Manager Bowers stated that a possible time for the joint meeting with Greenville Utilities Commission to obtain the results of the Joint Pay and Benefits Committee is Tuesday, April 16, at 6:00 p.m., just prior to the regular meeting of Greenville Utilities that is scheduled for 6:30 p.m. The City Clerk has polled the Council regarding this date and received positive feedback on the time.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to have a joint meeting with Greenville Utilities Commission in the Greenville Utilities Commission Board Room on April 19 at 6:00 p.m. Motion carried unanimously.

ADJOURN

Motion was made by Council Member Dunn and seconded by Council Member Council to adjourn the meeting at 6:55 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, CMC  
City Clerk